

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In the Matter of

Distribution of the
2014-17 Satellite Funds

)
)
) Docket No. 16-CRB-0010-SD (2014-17)
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)
)

SECOND SUPPLEMENTAL MEMORANDUM REGARDING MOTION TO LIFT STAY

The undersigned Allocation Phase Parties (the “Parties”) hereby submit this Second Supplemental Memorandum Regarding Motion to Lift Stay in order to update the Copyright Royalty Judges (“Judges”) regarding their May 12, 2020 Joint Notice of Settlement and Motion to Lift Stay (“Motion”).¹ As explained in the Motion, the Parties have settled all Allocation Phase disputes concerning the 2014 and 2015 satellite royalty funds (“2014-15 Satellite Royalties”). Upon the granting of the Motion, the Parties intend to move for final distribution of the 2014-15 Satellite Royalties, as those funds are no longer in controversy. The Motion remains ripe for resolution, and the only pending objection is without merit. Moreover, prompt resolution is particularly important given the financial challenges posed by the ongoing pandemic. Accordingly, the Parties respectfully request that the Judges promptly grant the Motion.

The Parties filed the Motion in order to notify the Judges that they had resolved all Allocation Phase disputes concerning the 2014-15 Satellite Royalties, and to request that the Judges (1) lift the stay of the above-captioned proceeding with respect to the 2014 and 2015 satellite royalty years; and (2) affirm that the historical Allocation Phase category definitions apply to the 2014-15 Satellite Royalties. The Motion contemplates that the Allocation Phase parties will move for final

¹ Docket No. 16-CRB-0010-CD (2014-17) (May 12, 2020).

distributions of shares of the 2014-15 Satellite Royalties, which are no longer in controversy, once the Judges have lifted the stay and affirmed the Allocation Phase category definitions.

Multigroup Claimants (“MGC”) was the only party to file an objection to the Motion.² However, MGC does not even claim a share of the 2014 satellite royalties, and therefore the Judges should consider the Motion to be unopposed as to that royalty year. With respect to the 2015 satellite royalties, MGC fails to persuasively argue why the Judges should not grant the Motion. The undersigned Parties, who are the only Allocation Phase participants in the above-captioned proceeding, have settled their Allocation Phase disputes with respect to the 2015 satellite royalties. In so doing, they have continued a long tradition of settling such Allocation Phase disputes without a hearing before the Judges. To the extent that MGC implies that the mere pendency of the Judges’ Notice of Inquiry Regarding Categorization of Claims for Cable or Satellite Royalty Funds and Treatment of Ineligible Claims (“Notice of Inquiry”)³ should somehow prevent the Allocation Phase Parties from settlement in this instance, MGC is simply wrong. MGC does not even attempt to explain how it would be harmed if the Judges were to lift the stay with respect to the 2014-15 Satellite Royalties and adopt the historical claimant category definitions before resolving the Notice of Inquiry. And, notably, no other party in MGC’s position—*i.e.* a satellite Distribution Phase party that is also participating in the Notice of Inquiry—has joined MGC in opposing the Motion, which further indicates that there is no reason the Motion cannot be granted prior to the resolution of the Judges’ Notice of Inquiry.

² Multigroup Claimants’ Opposition to Motion to Lift Stay, 16-CRB-0010 SD (2014-17) (May 26, 2020).

³84 Fed. Reg. 71,852 (Dec. 30, 2019).

For all of the foregoing reasons, the Allocation Phase Parties respectfully request that the Judges promptly grant the Motion so that they may submit motions for distribution and a distribution may be made as soon as possible.

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Dated: March 18, 2021

Proof of Delivery

I hereby certify that on Thursday, March 18, 2021, I provided a true and correct copy of the Second Supplemental Memorandum Regarding Motion to Lift Stay to the following:

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